



State of Ohio Environmental Protection Agency

Southwest District Office

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Dayton, Ohio 45402

TELE: (937) 285-6357 FAX: (937) 285-6249
www.epa.ohio.gov

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

need 10 #
Eval #01
Ent #01

October 19, 2009

Mr. Burke Byer
American Compressed Steel
P.O. Box 1817
Cincinnati, Ohio 45201

OHIL 000 157 073

Re: Complaint investigation, American Compressed Steel,
Hamilton County, used oil generator

Dear Mr. Byer,

On October 1, 2009 Ohio EPA investigated a complaint at American Compressed Steel's facility at 200 West North Bend Rd. in Cincinnati, Ohio. The complaint alleged used oil releases to the ground. A comprehensive inspection to determine compliance with **all** of Ohio's hazardous waste laws and regulations, as found under the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC) was not conducted. You, Gary Flick, and Gary Vernon represented American Compressed Steel. Brian Marlatt and I represented Ohio EPA. On October 13, 2009 American Compressed Steel provided a copy of the SPCC and SWP3 for the site. On October 13, 2009 we held a phone conference to communicate the results of our investigation. At that meeting American Compressed Steel was represented by you, Ken Weber, and Larry Burke and Ohio EPA was represented by Brian Marlatt and me.

As a result of the complaint investigation, we found the following violation of Ohio EPA's used oil management standards.

**Ohio Administrative Code (OAC) 3745-22 (D)
Response to Releases**

This regulation requires that upon detection of a release of used oil to the environment a used oil generator must perform the following cleanup steps:

- (1) Stop the release;
- (2) Contain the released used oil;
- (3) Clean up and manage properly the released used oil and other materials;
- and
- (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

During the inspection Ohio EPA found that the two shear machines and one bailer were releasing used oil to the surrounding soils. The used oil had not been cleaned up, was not being contained to the concrete pads, and the machines were leaking. Therefore at the

Mr. Burke Byer
American Compressed Steel
October 19, 2009
Page 2

time of inspection October 1, 2009 American Compressed Steel was in violation of OAC 3745-22 (D) for not stopping releases of used oil, not containing released used oil, and not cleaning up used oil that was released to the soil.

To abate this violation, American Compressed Steel should remove and properly dispose of all oil contaminated soil surrounding the machines, prevent further releases to the soil by containing any releases on the concrete pads, and stop releases from the machines. Within 30 days of this letter remove and dispose of oil contaminated soil and contain releases. Within 90 days of this letter stop releases from the machines. Provide a written explanation how American Compressed Steel has abated this violation.

As a result of the complaint investigation Ohio EPA has found the following concern.

Storm Water Pollution Prevention (SWP3)

The SWP was created in 2003. The SWP3 does not identify the shear or bailer as a potential source of storm water pollution. The SWP3 seems to reference an outdated storm water permit.

To address this concern Ohio EPA recommends revisiting the SWP3 and updating it as necessary and to include the machines and used oil released from these as a potential source of storm water pollution. Provide a written explanation how American Compressed Steel has addressed this concern.

This concludes the results of Ohio EPA's complaint investigation. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve you from having to comply with all applicable regulations. If you have any questions relative to this letter or about how to comply with other hazardous waste regulations please contact me at (937) 285-6082.

Sincerely,



Brian Gitzinger
District Representative
Division of Hazardous Waste Management

cc: DHWM Data Entry/ Facility File

BG/plh

Ohio Environmental Protection Agency
**RCRA SUBTITLE C SITE
 IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to kristina.durnell@epa.state.oh.us
 or mail it to Kristina Durnell, Central Office

Site EPA ID No. Site Name Site Location Information Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	EPA ID Number: none Name: American Compressed Steel Website: (Optional) Street Address: 200 west North Bend rd City, Town, or Village: cincinnati County Name: hamilton State: OH Zip Code: 45216 Private <input checked="" type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/>
Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Burke MI: Last Name: Byer Phone Number: 513-948-0300 Phone Number Extension: E-Mail Address: Fax Number: Fax Number Extension: Street or P.O. Box: po box 1817 City, Town or Village: cincinnati State: oh Zip Code: 45201
Legal Owner And Operator of the Site. List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: Gotham Inc Date Became Owner (mm/dd/yyyy): 12/13/1988 Owner Type: Private <input checked="" type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/> Street or P.O. Box: 200 west north bend rd. City, Town or Village: cincinnati Owner Phone #: State: oh Country: Zip Code: 45216 Name of Site's Operator: American Compressed Steel Date Became Operator (mm/dd/yyyy): 01/01/1976 Operator Type: Private <input checked="" type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/> Street or P.O. Box: PO box 1817 City, Town or Village: Cincinnati Operator Phone #: State: oh United States Zip Code: 45201

VIOLATIONS CITED? Yes No

TYPE OF HANDLER— A MINIMUM OF ONE BOX MUST BE CHECKED

<input checked="" type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG) <input type="checkbox"/> Small Quantity Generator (SQG) <input type="checkbox"/> Conditionally Exempt Small Quantity Generator <input type="checkbox"/> U.S. Importer of Hazardous Waste <input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator
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TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)

<input type="checkbox"/> Recycler of Hazardous Waste	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> Underground Injection Control Facility	<input type="checkbox"/> Small Quantity On-Site Burner Exemption
<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED (CHECK ALL BOXES THAT APPLY))

<input type="checkbox"/> Small Quantity Handler of Universal Waste	<input type="checkbox"/> Destination Facility for Universal Waste
<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES

Batteries
 Pesticides
 Mercury containing equipment
 Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))

Used Oil Generator
 Used Oil Transporter
 Used Oil Transfer Facility
 Used Oil Processor
 Used Oil Re-refiner
 Off-Specification Used Oil Burner
 Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
 Used Oil Fuel Marketer to Off-Specification Used Oil Burner

Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.

Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments:
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time
Brian Gitzinger	Brian Marlatt	10/1/2009 high noon

OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of Owner, Operator, or an Authorized Representative	Name and Title (Print)	Date (mm/dd/yyyy)
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11-11-11